

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

MARILYN CARMACK,

Plaintiff,

vs.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

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Case No. 2:08CV00010 ERW

ORDER

This matter is before the Court upon Plaintiff's Application for Award of Attorney's Fees Under the Equal Access to Justice Act [doc. #15]. On January 27, 2009, this Court reversed the final decision of the Commissioner of Social Security and remanded the above-styled action for further proceedings. Plaintiff seeks a total award of \$4,992.00 in attorney fees. Counsel for the Defendant has no objection to this request.

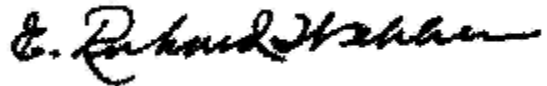
The award of attorneys' fees in this case is governed by the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). Under the EAJA, reasonable fees and expenses of attorneys may be awarded to the prevailing party. 28 U.S.C. § 2412(b). Further, "a court shall award to a prevailing party other than the United States fees and other expenses . . . unless the court finds that the position of the United States was substantially justified or that special circumstances made an award unjust." *Id.* at § 2412(d)(1)(A).

The Court finds that the position of the United States was not substantially justified and that no special circumstances make an award unjust. Further, a review of Plaintiff's exhibits reveal that the requested attorneys' fees are reasonable.¹ Therefore, the Court will grant Plaintiff's motion, awarding \$4,992.00 in attorney's fees.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application for Award of Attorney's Fees Under the Equal Access to Justice Act [doc. #15] is **GRANTED**. Plaintiff is awarded \$4,992.00 in attorney's fees payable to Plaintiff's counsel.

Dated this 11th day of May, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

¹Counsel for Plaintiff spent 31.20 hours on this case at a rate of \$160.00 per hour. Counsel's hourly rate was calculated by multiplying the EAJA statutory rate of \$125.00 by a consumer price index multiplier to account for an increase in the cost of living.